

Geddes S. Gibbs
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FILED
May 30, 2023
Clerk, U.S. Bankruptcy Court
Middle District of Pennsylvania
Wilkes-Barre

**UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF PENNSYLVANIA**

Geddes Gibbs & Alfred McZeal, Jr.
Plaintiff

§ **Adversary Case No.** 5:23-ap-00014-MJC
§
§ **Bankruptcy Case No** 5:23-bk-00406

vs

Goddard Riverside Community Center,
Roderick L. Jones, Merrill T. Dobson,
Andrea Cain Lawson, Christopher
Auguste, Nancy Rochford, Marcia Bystryrn,
Howard Stein

DATE: _____

TIME: _____ ☐ am ☐ pm

LOCATION: _____

DEFENDANTS

JURY TRIAL DEMANDED

**NOTICE OF MOTION AND EX PARTE MOTION FOR STAY OF PROCEEDINGS
PURSUANT TO RULE 5011**

TO: THE HONORABLE JUDGE OF THE ABOVE SAID COURT AND ALL
OTHER PARTIES IN INTEREST:

PLEASE TAKE NOTICE, that at the above date and time and at the above
specified location movant **Geddes Gibbs & Alfred McZeal, Jr.** or at a time specified
by the Court will Move the Court and apply for the following motion and order:

EX PARTE MOTION FOR STAY OF PROCEEDINGS UNDER RULE 5011

This motion or application is made pursuant to Rule 5011 (Fed. R. Bank. Proc)

on the grounds that:

- ☒ A Motion for Withdrawal of the Reference has been filed in the United States District Court, and.
- ☒ An Article III Judge is needed to adjudicate the Non-Core Actions in this case.
- ☒ A JURY TRIAL has been requested.

Respectfully Submitted,

Geddes S. Gibbs
59 Coach Road
Stroudsburg, PA 18360
Phone: 347-403-6330

Dated: **May 26, 2023**

Geddes S. Gibbs
59 Coach Road
Stroudsburg, PA 18360
Phone: 347-403-6330

**UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF PENNSYLVANIA**

In Ref:

Geddes Gibbs & Alfred McZeal, Jr.

DEBTOR(S)

Geddes Gibbs & Alfred McZeal, Jr.

VS

Goddard Riverside Community Center,
Roderick L. Jones, Merrill T. Dobson, Andrea
Cain Lawson, Christopher Auguste, Nancy
Rochford, Marcia Bystry, Howard Stein

§ Adversary Case No. 5:23-ap-00014-MJC
§ Bankruptcy Case No 5:23-bk-00406
§
§ District Court Case No: 3:cv-23-0818
§
§
§
§
§
§
§

**EX PARTE MOTION FOR
STAY OF PROCEEDINGS
UNDER RULE 5011**

(28 USC 157(d))

**NOTICE & MOTION FOR STAY OF PROCEEDINGS UNDER RULE 5011
PENDING DECISION OF THE UNITED STATES DISTRICT COURT**

TO THE HONORABLE JUDGE OF THE SAID COURT:

NOW COMES, Geddes Gibbs & Alfred McZeal, Jr. and respectfully

provides notice and moves for stay of proceedings in this court pursuant to Bankruptcy Rule 5011. In support of motion, debtors show the court the following:

1. A Motion for Withdrawal of Reference has been filed by the debtor in the United States District Court and is Currently Pending in that court as of: 5/18/2023

2. A courtesy copy of the said motion has been attached to this motion for stay of proceedings in this court.

3. A stay of proceedings is required under bankruptcy Rule 5011 until the United States District Court has decided the motion.

4. The said Motion for Withdrawal of Reference was filed on: 5/26/23

5. Movant provides notice and seeks a stay of the proceedings pending the disposition of the motion for withdrawal of reference filed in the United States District Court.


CONCLUSION & PRAYER


Accordingly, the reference to the bankruptcy case and the adversary proceeding pending in this matter must be removed to the United States District Court for this district. All proceedings in the bankruptcy court should be stayed until further order from the United States District Court pursuant to general rules regulating the removal of references to bankruptcy cases and Adversary proceeding 5:23-ap-00014-MJC as set forth herein.

Mandatory removal of the reference is required so that the movant is not prejudiced in these proceedings. Withdrawal is also mandatory where there appears to be a conflict between the Bankruptcy Code and other federal laws. See HSBC Bank PLC, 2011 WL 1544494 at (deeming a conflict between SIPA and bankruptcy law as “something that itself warrants withdrawal of the bankruptcy reference”); see also In re Cablevision, 315 B.R. at 821 (“The very existence of a dispute as to whether the rights of [investors] under the [Trust Indenture Act] and Williams Act supersede Section 304 [of the Bankruptcy Code] or whether the Bankruptcy Code overrides the TIA, regardless of the ultimate resolution of such dispute, mandates withdrawal.”); Gredd, 2001 WL 840187, at *2-4 (withdrawing reference where federal securities laws “arguably conflict[ed]” with the Bankruptcy Code).

Wherefore, all premises considered, debtor respectfully provides notice and request a stay of proceeding in this court pending decision from the US District Court of the pending motion for reconsideration Motion for Relief from judgment related to the Withdrawal of Reference of this case.

Respectfully Submitted,


Geddes S. Gibbs
59 Coach Road
Stroudsburg, PA 18360
Phone: 347-403-6330


Alfred McZeal, Jr.
59 Coach Road
Stroudsburg, PA 18360
Phone: 832-623-4418

Dated: **May 26, 2023**

Friday

1
2 UNITED STATES BANKRUPTCY COURT
3 MIDDLE DISTRICT OF PENNSYLVANIA
4

5
6 Geddes Gibbs & Alfred McZeal, Jr. § Case No. 5:23-bk-00406

7
8 VS

9 Goddard Riverside Community Center,
10 Roderick L. Jones, Merrill T. Dobson, Andrea
11 Cain Lawson, Christopher Auguste, Nancy
12 Rochford, Marcia Bystry, Howard Stein
13

14 ORDER

15 ORDER GRANTING MOTION FOR STAY OF PROCEEDINGS UNDER RULE 5011
16

17 On this day before this court came for hearing the Movant's motion before the court which is
18 entitled: **MOTION FOR STAY OF PROCEEDINGS UNDER RULE 5011**
19

20 After considering the answer filed by the opposing party (if any), the court is the opinion
21 that the motion should be GRANTED in its entirety. Accordingly, **IT IS HEREBY ORDERED**,
22 THE PROCEEDINGS IN THIS BANKRUPTCY CASE IS HEREBY STAYED PENDING THE DISPOSITION OF
23 THE PENDING MOTION FOR WITHDRAWAL OF REFERENCE THAT WAS FILED IN THE UNITED STATE
24 DISTRICT COURT.
25

26 UNITED STATES BANKRUPTCY JUDGE
27
28

PROOF OF SERVICE

I hereby certify that a true and correct copy of the foregoing instrument entitled:
**MOTION FOR MANDATORY WITHDRAWAL OF REFERENCE PURSUANT TO
28 U.S.C. §157(d), & Withdrawal and Abstention from Hearing a Proceeding under
Bankruptcy Rule 5011 or Alternatively, A Permissive Withdrawal of the Bankruptcy case
pursuant to SECTION 157(b)(5)**
has been forwarded to all counsel of record, and parties, by depositing a true and
correct copy of the same on the date and manner indicated below, to wit:

Eve I. Klein
Duane Morris LLP
1540 Broadway
New York, NY 10036-4086

Lawrence Joel Kotler
Duane Morris LLP
30 South 17th Street
Philadelphia, PA 19103

Alison C Morris
Duane Morris LLP
30 South 17th Street
Philadelphia, PA 19103-4196

DELIVERED VIA:

- ☐ U.S. First Class Mail
☐ U.S. Express Mail
☐ Certified Mail/RRR

- ☐ Hand Delivered
☐ Via Fax# _____
☒ Via Email: _____

Dated:
May 26, 2023

Geddes Sean Gibbs
Geddes Gibbs & Alfred McZeal, Jr.